REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-14 are pending in the prior application.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 2 and 13 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,730,025 to Platt in view of U.S. Pat. No. 5,782,773 to Kou et al. and U.S. Pat. No. 6,754,355 to Stetzler et al. In view of the content of the claims as presently amended, applicant respectfully traverses these rejections.

Independent claim 1 has been limited to "a windows based operating system within the portable processing element that controls the acquisition element and portable processing element through the graphical user interface". Support for the additional limitation may be found within paragraph [0030] of the specification. As explained in par. [0030], "the CPU 30 may operate under a windows-based environment (e.g., WinCE)". As would be well known, WinCE is the portable version of the Windows operating system.

In contrast, the Platt acquisition device is controlled by "An application specific program . . . stored in the programmed cartridge 4" (Platt, col. 4, lines 30-31). More specifically, the Platt "application specific program . . . controls . . . the . . . user interface" (Platt, col. 4, lines 30-33). In this regard, "the user can adjust horizontal and vertical scale of the display, freeze the picture, review recorded portions of the signal,

enable or disable recording, initiate printout etc." using control buttons 9 (Platt col. 4, lines 38-41).

In contrast, the claimed invention provides the functionality of a MENU softkey 49 within the graphical user interface 46. Further, "By providing a GUI 46, it is contemplated that very few mechanical switches other than OFF-ON) would be required for control of the system 10" (specification, par. [0030]). FIG. 4 provides examples of the additional functionality provided through one of the MENU softkeys 49.

Since the Platt application specific program controls the user interface via buttons 9, Platt does not use a windows-based operating system and clearly does not operate in the same way as that of the claimed invention. Further, the Platt invention is based upon the use of a conventional Nintendo Game Boy. In this regard, even if the Nintendo Game Boy could be modified to operate under Windows (which there is no suggestion that it could be), such modification would render the Nintendo Game Boy inoperable for use with conventional Game Boy cartridges which, as noted above, controls the interface through the "application specific program" located within the programmed cartridge 4. As such, Platt could not be modified without changing the principle of operation of Platt.

The claimed invention is limited to a windows based operating system and a graphical user interface. FIG. 4 provides an example of the control features provided through the graphical user interface of the claimed invention. The graphical user interface provides a specific utility and ease of operation that is not available under Platt and which could not be provided under Platt without changing the operation of Platt.

Since the proposed combination would now involve a modification that would change a principle of operation of the prior art reference being modified, the teaching of the references are not sufficient to render the claims prima facie obvious (In re Ratti, 270 F.2d 810 (CCPA 1959)). Since the combination does not render the claims prima facie obvious, the rejections are improper and should be withdrawn.

Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Kuo et al., Steltzer et al. and U.S. Pat. No. 5,876,351 to Rhode. However, Rhode suffers from the same deficiency as Platt and Kuo et al. More specifically, the combination involves a modification that would change a principle of operation of the prior art reference being modified. Since the combination does not render the claims prima facie obvious, the rejections are improper and should be withdrawn.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Kuo et al., Steltzer et al. and U.S. Pat. No. 6,292,692 to Skelton et al. However, the combination of Platt, Kuo et al., Steltzer et al. and Skelton et al. suffers from the same deficiency as Platt and Kuo et al. More specifically, the combination involves a modification that would change a principle of operation of the prior art reference being modified. Since the combination does not render the claims prima facie obvious, the rejections are improper and should be withdrawn.

Claims 6-11 and 14 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Kuo et al.,

Steltzer et al. and U.S. Pat. No. 6,141,584 to Rockwell et al. However, the combination of Platt, Kuo et al., Steltzer et al. and Rockwell et al. suffers from the same deficiency as Platt and Kuo et al. More specifically, the combination involves a modification that would change a principle of operation of the prior art reference being modified. Since the combination does not render the claims prima facie obvious, the rejections are improper and should be withdrawn.

Claim 12 has been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Kou et al. Steltzer et al. and U.S. Pat. No. 5,873,838 to Mogi. However, the combination of Platt, Kuo et al., Steltzer et al. and Mogi suffers from the same deficiency as Platt and Kuo et al. More specifically, the combination involves a modification that would change a principle of operation of the prior art reference being modified. Since the combination does not render the claims prima facie obvious, the rejections are improper and should be withdrawn.

Claims 1, 2 and 13 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Kou et al., Steltzer et al. and U.S. Pat. No. 6,773,396 to Flach et al. However, the combination of Platt, Kuo et al., Steltzer et al. and Flach et al. suffers from the same deficiency as Platt and Kuo et al. More specifically, the combination involves a modification that would change a principle of operation of the prior art reference being modified. Since the combination does not render the claims prima facie obvious, the rejections are improper and should be withdrawn.

Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Kuo et al., Steltzer et al. Flach et al. and Rhode. However, the combination of Platt, Kuo et al., Steltzer et al, Flach et al. and Rhode suffers from the same deficiency as Platt and Kuo et al. More specifically, the combination involves a modification that would change a principle of operation of the prior art reference being modified. Since the combination does not render the claims prima facie obvious, the rejections are improper and should be withdrawn.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Kuo et al., Steltzer et al., Flach et al., and Skelton et al. However, the combination of Platt, Kuo et al., Steltzer et al., Flach et al. and Skelton suffers from the same deficiency as Platt and Kuo et al. More specifically, the combination involves a modification that would change a principle of operation of the prior art reference being modified. Since the combination does not render the claims prima facie obvious, the rejections are improper and should be withdrawn.

Claims 6-11 and 14 have been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Kuo et al, Steltzer et al., Flach et al. and Rockwell et al. However, the combination of Platt, Kuo et al., Steltzer et al., Flach et al. and Rockwell et al. suffers from the same deficiency as Platt and Kuo et al. More specifically, the combination involves a modification that would change a principle of operation of the prior art reference being modified. Since the combination does not render the claims

prima facie obvious, the rejections are improper and should be withdrawn.

Claim 12 has been rejected under 35 U.S.C. §103(a) as being obvious over Platt in view of Kuo et al., Steltzer et al., Flach et al. and Mogi. However, the combination of Platt, Kuo et al., Steltzer et al., Flach et al. and Mogi suffers from the same deficiency as Platt and Kuo et al. More specifically, the combination involves a modification that would change a principle of operation of the prior art reference being modified. Since the combination does not render the claims prima facie obvious, the rejections are improper and should be withdrawn.

Closing Remarks

Allowance of claims 1-14, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,
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